

PROB 12C  
(7/93)

Report Date: May 6, 2013

## United States District Court

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTONfor the  
Eastern District of Washington

MAY 06 2013

SEAN F. McAVOY, CLERK  
DEPUTY  
RICHLAND, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Michael Figueroa

Case Number: 2:06CR06059-001

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: 8/24/2007

Original Offense: Felon in Possession of Ammunition, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 48 Months; TSR - 36 Months      Type of Supervision: Supervised Release

Asst. U.S. Attorney: Benjamin D. Seal      Date Supervision Commenced: 11/30/2012

Defense Attorney: Alex B. Hernandez, III      Date Supervision Expires: 12/29/2014

**PETITIONING THE COURT**

**To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 2/12/2013.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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**Special Condition #16:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** Michael Figueroa is considered in violation of his term of supervised release by consuming illegal controlled substances on or about March 10, 2013. The defendant submitted a random drug test at First Step Community Counseling Services on March 12, 2013. At the time of the drug test, he admitted he had used methamphetamine 2 days prior. The presumptive positive drug test was sent to Alere Toxicology Services and the positive confirmation was received on March 21, 2013.

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**Special Condition #16:** You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

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**Supporting Evidence:** Michael Figueroa is considered in violation of his term of supervised release as he failed to report for drug testing on or about March 20, 2013. The defendant was placed on random drug testing with First Step Community Counseling Services. He was required to call the color-line telephone number Monday through Saturday and report for testing when the color brown was called. The color brown was called on March 20, 2013. Mr. Figueroa advised this officer he called on that date and knew his color had been called, but as the day progressed, he forgot about reporting in for the drug test.

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**Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

**Supporting Evidence:** Michael Figueroa is considered in violation of his term of supervised release as he was arrested for hindering police and shoplifting on or about March 26, 2013.

According to the Pasco Police Department incident reports, officers responded to a shoplifting incident at the Pasco Rite Aid store. Witnesses advised that two males entered the store and after gathering several items ran out of the store and entered a white truck, Washington license plate B78098C. The truck was registered to an address at 1703 W. Irving. Officers arrived at the address and observed the white truck parked in the alley and two males were seen running through the yard of the residence. One officer was on foot pursuit and was able to apprehend one of the subjects. The apprehended suspect, J.B., was read his Miranda Rights and agreed to speak to officers. He stated that "Gumby" had offered him methamphetamine in exchange for shoplifting items he needed from the store. The suspect said he and another male known to him only as "Spook" entered the store while "Gumby" waited in the truck. When he exited the store, he was nervous and was yelling "go, go, go" and they left "Spook" behind. He stated they drove to the alley behind 1703 W. Irving and left the stolen items in the detached garage before running.

Another officer obtained permission from the owner of the residence and truck to search the home and vehicle. Officers located the stolen items in the detached garage. The merchandise was returned to the store, and the loss was calculated to be worth \$493.22. Also located in the garage was a wallet with the identification card of A.B, identified as "Spook." During the search of the residence, a male, later identified as the defendant and also known as "Gumby," was found hiding in a closet by the bathroom. He was sweating profusely from his head and nose. He was handcuffed, read his Miranda Rights, and stated he did not wish to be questioned. While being transported to the Franklin County Jail, the defendant advised the officer that he was never at Rite Aid and he was at the residence smoking methamphetamine. He stated he was hiding because he was smoking, but broke his smoke piece before hiding in the closet.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 05/06/2013

s/SanJuanita B. Coronado

SanJuanita B Coronado  
U.S. Probation Officer

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**THE COURT ORDERS**

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Other



Signature of Judicial Officer



Date